

FISA AMENDMENTS

Mr. McCONNELL. Mr. President, the one point that I would like to make before we vote later this morning on the various amendments to the Foreign Intelligence Surveillance Act—a law that is aimed at helping us stop terrorists before they can hurt us—is the most important point of all. It also happens to be a fairly straightforward one: adopting any one of these three amendments would kill the underlying bill.

It would risk putting us right back where we were last July, with the August recess approaching, and the authorizations for monitoring foreign terrorist targets set to expire. In that case, if a member of al-Qaida were to call, our ability to monitor his communications would be seriously handicapped, and it may even be impossible for us to do so, at least on a real-time basis.

So the question before the Senate is really quite simple: we either pass this delicately balanced bipartisan bill which gives our intelligence officials the tools they need to find foreign terrorists overseas—which is itself a compromise on the bill the Senate already passed this year by a vote of 68-29, and which will garner a Presidential signature—or we scrap it altogether and end up right back where we were a year ago.

That is our choice. Fix the problem now—finally—or allow the problem that intelligence officials alerted us to more than a year ago continue indefinitely, regardless of the threat.

Just yesterday the White House reiterated its intention to veto any FISA bill that is amended to strip or weaken liability protection for the telecommunication companies that may have helped the Government in the wake of the September 11 attacks.

This means that the adoption of any one of these amendments will take down the entire bill, unraveling more than a year of delicate bipartisan negotiations.

We're not doing these companies any special favors. The U.S. Government wouldn't even have a foreign surveillance program without them. The intelligence community relies on their cooperation to do its job. And any law that makes it less likely that these companies cooperate with us in the future is a law that makes it harder to protect Americans from terrorist attacks.

That is not just my view or the view of Senator BOND on the Republican side. Let me remind my colleagues of what the chairman of the Intelligence Committee told us, quite bluntly, about our responsibilities in this area on the floor of the Senate last February. This is what Senator ROCKEFELLER said:

What people have to understand around here, he said, is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest.

Everybody tosses that around and says: Well, what do you mean? I say: Well, what are they making out of this? What is the big payoff for the telephone companies? Do they get paid a lot of money? No. They get paid nothing. What do they get for this? They get \$40 billion worth of suits, grief, trashing, but they do it. But they don't have to do it, because they do have shareholders to respond to, to answer to.

There is going to be a degrading of intelligence in some very crucial areas, because we will go right back to where we were last August, and that will be a further jolt to the telecommunications companies, because they will understand that you cannot count on the Congress, you cannot count on us to make policy which will give [them] stability.

Those are the words of the Democratic chairman of the Intelligence Committee. And I would only add to them that it is our job to make policy in this area. The Senate—and especially its Intelligence Committee—has been examining this issue for over a year. The committee of jurisdiction conducted extensive oversight and concluded that the telecommunications companies acted in good faith in answering the administration's call to help protect the country from terrorist attack.

The Intelligence Committee then passed an overwhelmingly bipartisan bill, 13-2, that protected these companies from potentially crippling lawsuits, which would terminate the program. The full Senate made the same policy judgment, defeating the Feingold-Dodd amendment to strike immunity 67-31, as well as the Specter-Whitehouse substitution amendment 68-30, on its way to passing the bill by a lopsided vote of 68-29.

Further modifications were made to the bill in negotiations with the House, including to the liability provisions. The House leadership—which had been holding up enactment of a FISA modernization law because of the liability question—then voted for this compromise bill, and the compromise cleared the House with almost 300 votes.

Now, after all this legislative time and effort and contemplation, the Bingaman amendment would have us say, "Just kidding." This amendment would punt our oversight and legislative responsibilities over to inspectors general in the executive branch so they can look at the same program that the Intelligence Committee and the Congress have been considering for over a year.

It is ironic that those who are concerned about preserving congressional prerogatives and congressional responsibilities, especially in relation to the executive branch, would have us rely on the judgment of employees of the executive branch before we can make policy, especially after all the work that Congress has done on this subject. We should not kick the can down the road for another 15 months and in the process abdicate our role in this area.

An acceptable bipartisan solution to our intelligence problem has already been reached. That solution has been

endorsed by majorities in both houses of Congress. If that solution is compromised by adopting any of these amendments, this bill would not become law, current targeting orders would expire, and the Senate would fail today to do its basic duty of protecting Americans to the fullest extent possible from terrorist attack.

Americans have a right to expect Congress to give our intelligence officials what they need to do their jobs. And the only way we fulfill that trust is by voting against each of these amendments to the FISA modernization bill.

Mr. President, before turning to another subject, I wish to particularly commend the Senator from Missouri, Mr. BOND, who has done an incredibly effective job at trying to traverse the various currents that have surrounded this extraordinarily difficult piece of legislation.

First he established a very good working relationship with Senator ROCKEFELLER, the chairman of the Intelligence Committee. He was an integral part of negotiating and, as I say, kind of dealing with the currents that were going on through the last year.

I just wish to say through the Chair to him how much America owes the Senator from Missouri for his extraordinary work on this subject. America will be safer in the future as a result of the work of the Senator from Missouri. We here in the Senate are deeply grateful for his extraordinary job, and the people of Missouri have every right to be very proud of him.

Mr. BOND. I thank the Senator.

MEMORIAL SERVICE OF SENATOR
JESSE HELMS

Mr. McCONNELL. Mr. President, on one other item, yesterday we said goodbye to our former colleague, Senator Jesse Helms. A significant number of our colleagues were in attendance at the funeral in Raleigh. Since his passing was expected, we certainly did not suffer from shock. It was anticipated that our friend and colleague would soon pass away, so in many respects it was a celebration of the life of a unique and great American.

I was honored by Mrs. Helms to be asked to do one of the eulogies at the funeral yesterday. I ask that my remarks be printed in the RECORD for any of our colleagues who might want to see what I had to say on behalf of our friend and colleague yesterday as we bid him farewell.

I ask unanimous consent to have those remarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

MEMORIAL SERVICE OF SENATOR JESSE HELMS
REMARKS OF U.S. SENATE REPUBLICAN LEADER
MITCH McCONNELL, JULY 8, 2008

Dot, Jane, Nancy, Charles, members of the Helms family, Mr. Vice President, Senate colleagues, Reverend Bodkin, distinguished guests, and friends of Jesse Alexander Helms.

Many good things have been said about Jesse Helms since he left us early Friday morning. And none, I think, was more true than a note that was sent to the Helms Center over the weekend. "He was caring about those he knew and didn't know," it said. "He wanted others to succeed."

In the Senate, he always sought them out. Whether it was the schoolchildren that he met with by the thousands; the staff members he didn't call staff, but family—the Helms Senate family; or the Senate pages he would always stop to talk to, and who would send him notes later on in life to thank him for a kindness, a word of encouragement, or to show him pictures of a newborn baby.

Over the years, anyone who passed by Jesse Helms in the Capitol, or worked in his office, would remember him as one of the kindest men they ever knew. No matter who you were, he always had a thoughtful word and a gentle smile. He put duty above all else—duty to God, to country, and to family, yes—but also a duty that's often overlooked: the simple duty of treating other people well.

He never let the seriousness of his job in the Senate become an excuse for pretense.

Just ask the Senators who always had to make room for Jesse's constituents on the senators-only elevators. Or the tourists from all the other states who noticed that Senator Helms always put visitors from North Carolina at the front of the Senate subway car when he rode with them. Or the constituents who weren't even from North Carolina, but who could always count on the Helms Senate family to help if their own representatives didn't. Their boss always made sure of it.

One of the more notable features of being a member of the U.S. Senate is that you get to see how different the public image of certain well-known senators is from the men and women you actually get to know as colleagues and as friends. No one seemed to suffer more from this peculiar disconnect than Jesse Helms. And no one seemed to care about it less.

I remember walking into his office for the first time and being disarmed by his kindness, and then stepping into his private office and being disarmed again at seeing an entire wall covered with some of the nastiest political cartoons I'd ever seen. Every one was critical of Jesse. And he loved them. Visitors would come into his office, look at the wall, look back at Jesse, and he'd just smile.

There was a lesson here: you can let your adversaries beat you down, or you can let it roll off your back. Jesse taught many of us to do the latter, and we were grateful for the advice.

Staffers learned how to deal with the critics too. One time, after a particularly harsh editorial in the New York Times, a new Helms staffer dashed off a harsh response and brought it in to the boss for his review. Jesse read it, patted the young man on the shoulder, and said, "Son, just so you understand: I don't care what the New York Times says about me."

He had a kind of preternatural calm about what other people said. But for Jesse, standing on principle and fighting back in defense of one's views was never to be confused with animosity for ones adversaries. Political disagreements were never a reason to treat others badly. As one of his Democratic colleagues put it over the weekend: "He was always a gentleman."

When he fought back, he did it in the most effective way he knew how. Nobody knew the rules of the Senate better than Jesse Helms, and no one used them against his adversaries to more frustrating effect. There's a saying in Washington: Whenever a member of Congress looks into the mirror, he sees a future

president. But Jesse Helms was always an exception to the rule. He never saw himself as anything other than a senator. And he played the role masterfully.

Of course, there was one person whose opinion did matter. And, as I recall, she was never one to hold back. If Jesse gave a speech that was a little too long, he'd be sure to hear about it in the car ride home. And, unlike the editorial writers, Jesse always took Dot's wise counsel to heart.

It's ironic, of course, that Jesse Helms would find his wife in a newsroom—ironic that someone who had so little use for newspapers would have started out at one. But he always remembered those early days at the News & Observer fondly. He remembered that the best path to his desk was the path that led him past Dorothy Coble's [COE-BULL] desk.

He took that path often. And soon enough, he and Dot were covering the news together, and becoming close friends over late-night steak dinners at the Hollywood Café. Decades later, looking back on all the state dinners and all the visits from various dignitaries and world leaders, Jesse would say those dinners with Dot at the Hollywood Café were, for him, the most memorable.

Dot, you had the perfect partnership. We miss you in Washington. And we honor you today too, for your devotion and your strength, especially in these last years, which haven't been easy, we know.

Jesse Helms was not above sharing the secret of his success with anyone who asked.

One time, a college student who admired him called his office on a whim to see if Senator Helms would be willing to speak to a college group he ran. The boy was shocked when Senator Helms himself cut in on the phone line and said, "I'll do it." But he was shocked even more when, on the day of the speech, he asked Senator Helms for the one piece of advice he'd give a young man just starting out in politics. "Son, find yourself a good wife."

It has been noted by many others how fitting it should be for a man who spent his entire adult life talking about the "Miracle of America" to pass away on Independence Day. It was no less fitting, I should think, for a man who did so much to promote the vision of the American Founding to have come from as modest a background as so many of the men who secured it in battle.

That too, of course, has always been a part of the Miracle of America: that an army of castaways, one third of whom didn't even have shoes, could defeat the British Army. That a boy from Kentucky whose father couldn't even sign his own name would go on to write the words of the Gettysburg Address. Or that a policeman's son from Monroe, North Carolina, could, in his own time, have such a powerful effect on the course of human events. Jesse Helms rose the way so many others in our country have from its earliest days, not by inheriting something, but by building something.

He was a product of the public schools, but his most important education came from the home. In the Helms household, Jesse said, it was not uncommon for him to wake up and find his mother cooking breakfast for the hobos that his father had rounded up the night before. And on Sundays, the whole family would worship together at the First Baptist Church on Main Street in Monroe.

It was the kind of home where a young boy could learn a boundless hope in the promise of America. It was the kind of place where a young boy could learn about the importance of strong principles, and the importance of fighting for them, regardless of the personal cost.

I remember once, as a young senator, walking into the Republican cloakroom, and

seeing what that kind of tenacity looked like: a lone senator, sitting in the corner. Jesse had put the rest of us in some parliamentary tangle about one thing or another. He'd ground the place to a halt. And he was completely comfortable with the whole situation. It was truly something to behold.

Once, after a disastrous early battle in the Revolutionary War, John Adams was asked for an explanation. "In general," he said, "their generals outgeneralled our generals." For the last three decades of the 20th Century, the same would never be said of a certain North Carolina lawmaker whenever he decided to take on an issue in the U.S. Senate. Jesse Helms always held his ground.

Many others who never saw Jesse Helms on the Senate floor have noted with admiration the same qualities over these past days. One man from Florida wrote that Cuban Americans will never forget his staunch opposition to the Castro Regime. And one of Jesse's many unlikely friends on the international stage, Bono, left a tribute at the Helms Center that many men could only dream of.

"Give Dot and the family my love," it said. "And tell them there are two million people alive today in Africa because Jesse Helms did the right thing."

Today, we are sad at the passing of our friend, but we are consoled by the promises of a God he loved. Jesse Helms was once asked whether he had any ambitions beyond the Senate. "The only thing I am running for," he said, "is the Kingdom of Heaven."

Now that day which comes to all of us has come for Jesse Helms. And we are confident that he has heard those words he longed to hear: "Well done, good and faithful servant . . . Come and share in your Master's joy."

The ACTING PRESIDENT pro tempore. The majority leader.

FISA

Mr. REID. Mr. President, I wanted to build upon the remarks of the Senator from Kentucky. He commended and applauded Senator BOND, and that certainly is appropriate. But I also want to recognize, as the Republican leader did, the work they have done together. I may disagree with the result of what we have on the floor today, and the outcome of what is going to happen today, but I want everyone to know that Senator ROCKEFELLER is a man who works hard. There is no Senator who works any harder than JAY ROCKEFELLER. He spends, with his counterpart and counterparts, Members of the Intelligence Committee, days, days each week in a place that is secure, away from the press, staff, and the rest of the Senate, in trying to figure out what is going on in the world as it relates to bad people trying to do bad things.

They also have to keep on top of what is going on around the world as the administration advises them. So when the history books are written about this institution, one of the people they will have to write about is the good man of West Virginia, a man of wealth who decided to be a public servant. He has done that for the people of West Virginia for decades. There are a lot of great Senators who have come from the State of West Virginia, and two of them are serving now, but I